

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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KIMBERLY CONSALVO,

Plaintiff,  
- against -

FUCCILLO FORD OF NELLISTON, INC. d/b/a FUCCILLO  
AUTOPLEX, BEN GREEN, Individually and as General  
Manager of Fuccillo Ford of Nelliston, Inc., RICK BELL,  
Individually and as a Finance Manager of Fuccillo Ford of  
Nelliston, Inc., JAMES AGARD, Individually and as Finance  
Manager of Fuccillo Ford of Nelliston, Inc., RICHARD ARUINI,  
Individually and as an employee of Fuccillo Ford of Nelliston,  
Inc., GAGE MOSS, Individually and as an employee of Fuccillo  
Ford of Nelliston, Inc., AND CHRISTOPHER PIERCE,  
Individually and as an employee of Fuccillo Ford of Nelliston,  
Inc.,

Defendants.

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**STIPULATION AND  
ORDER OF DISMISSAL  
WITH PREJUDICE**

Civil Action No.:  
6:16-CV-01410

WHEREAS, plaintiff, Kimberly Consalvo, filed a complaint on November 28, 2016  
alleging discrimination and harassment on the basis of sex and retaliation in willful violation of  
Title VII of the Civil Rights Act of 1964; and

WHEREAS, the parties have resolved the issues alleged in the complaint in this action,  
and have negotiated in good faith for that purpose; and

WHEREAS, the parties have entered into a Settlement Agreement in full resolution of this  
allegations contained in the complaint; and

WHEREAS, none of the parties to the above-captioned action is an infant or incompetent  
person; and

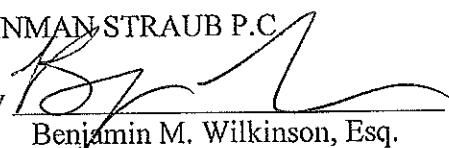
WHEREAS, the parties in the above-captioned action wish to discontinue the litigation;

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel as follows:

1. The parties hereby agree that the above-captioned action is dismissed and discontinued with prejudice, as to the named defendants, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of the Settlement Agreement.
2. Any and all of the claims for damages by plaintiff which are the subject of this action or otherwise arise out of any of the incidents alleged in the Complaint are hereby settled pursuant to the Settlement Agreement.
3. Nothing in this Stipulation of Dismissal or Settlement Agreement shall be construed as an admission or concession of liability whatsoever by any of the defendants regarding any of the allegations made by the plaintiff in the Complaint.
4. This Stipulation of Dismissal and any Order entered thereon shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purpose except in an action or proceeding to enforce this Stipulation of Dismissal and the Settlement Agreement.

Dated: July 6, 2017

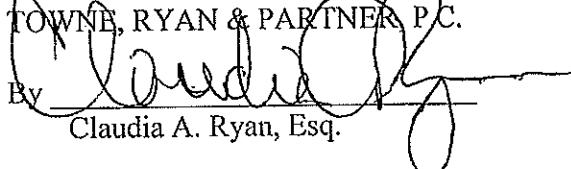
HINMAN STRAUB P.C.

By   
Benjamin M. Wilkinson, Esq.

Attorneys for Plaintiff  
121 State Street  
Albany, NY 12207

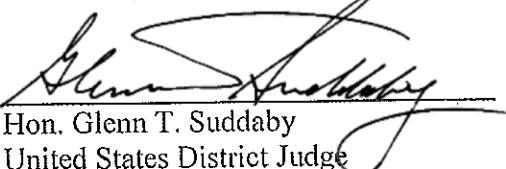
Dated: July 6, 2017

TOWNE, RYAN & PARTNER P.C.

By   
Claudia A. Ryan, Esq.

Attorneys for Defendants Fuccillo Ford of Nelliston, Inc. d/b/a Fuccillo Autoplex; Ben Green, Rick Bell, James Agard, and Richard Arduini  
450 New Karner Road  
PO Box 15072  
Albany, NY 12212

It is ORDERED this 6th day of July, 2017.

  
Hon. Glenn T. Suddaby  
United States District Judge